

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JANET LOPEZ	:	CIVIL ACTION
o/b/o JOSEPH LOPEZ	:	
Plaintiff,	:	
	:	
vs.	:	NO. 04-00574
	:	
JO ANNE B. BARNHART, Commissioner of	:	
the Social Security Administration,	:	
Defendant.	:	

O R D E R

AND NOW, this 20th day of April, 2006, upon consideration of the pleadings and the record in this case, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated March 29, 2006, there being no objections, and good cause appearing, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated March 29, 2006, is **APPROVED** and **ADOPTED**;
2. Plaintiff's Motion for Summary Judgment is **GRANTED IN PART AND DENIED IN PART**. That part of the Motion which seeks a remand for a new hearing and correction of errors is **GRANTED**. That part of the Motion which seeks a determination by this Court that plaintiff is disabled under the Commissioner's regulations and a remand for award of benefits is **DENIED**;
3. Defendant's Motion for Summary Judgment is **DENIED**; and,
4. The case is **REMANDED** to the Commissioner of Social Security Administration in accordance with the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with

the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells
dated March 29, 2006.

BY THE COURT:

/s/ Honorable Jan E. DuBois
JAN E. DUBOIS, J.